

## **REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 32 and 52 have been canceled.

New claims 56-59 have been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 28-31, 33-51, and 53-59 are now pending in this application.

### **Response to Interview Summary**

In accordance to 37 C.F.R. § 1.133, submitted herewith is a record of the substance of the interview on July 22, 2008, with Examiner Karen Amores, regarding the above-captioned application. This statement is being submitted within one (1) month of the mailing date of July 29, 2008, of the Interview Summary and is therefore a timely response. In accordance with the request in the Interview Summary that the Applicant file a statement of substance of the interview, Applicant respectfully submits that Applicant did not agree that JP 2001-171468 discloses a pleated fold in Figure 8B-VI and a natural fold in Figure 8B-VII. Otherwise, Applicant notes that the Interview Summary accurately summarizes the interview.

### **Rejections under 35 U.S.C. § 112**

Claims 32 and 52 are rejected under 35 U.S.C. § 112, first paragraph, for not meeting the enablement requirement. Claims 32 and 52 have been canceled. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 30-34, 52, and 53 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant submits that amendments to claims 30, 33, 34, and 53 render this

rejection moot. Claims 43, 46, 49, and 54 have also been amended to comply with U.S. practice. Reconsideration and withdrawal of this rejection is respectfully requested.

**Rejection under 35 U.S.C. § 102**

Claims 28-31, 33-35, 37, 39-41, 45-47, 51, and 53-55 are rejected under 35 U.S.C. § 102(b) as being anticipated JP 2001-171468 to Yamada (hereafter “Yamada”). This rejection is respectfully traversed.

Claim 28 recites a passenger protecting system, comprising a gas generator, and a gas bag including an envelope portion and a filling channel with a narrow portion which extends along a predefined deployment direction, wherein the narrow portion has a length greater than a width, wherein the system is configured so that inflation gas from the gas generator directly enters the filling channel, wherein at least part of the envelope portion is inserted into the narrow portion of the filling channel, wherein the part of the envelope portion that is inserted into the narrow portion of the filling channel is folded into an envelope pack, wherein the envelope pack is formed so that a long axis of the envelope pack is arranged perpendicularly to a width of the gas bag, wherein the envelope pack is folded together in a middle of the long axis of the envelope pack to form a U-shaped pack that is inserted into the narrow portion of the filling channel. Claims 51 and 55 include similar language. Claims 29-31, 33-35, 37, 39-41, and 45-47 depend from claim 28. Claims 53 and 54 depend from claim 51.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2D 1051, 1053 (Fed. Cir. 1987). See generally M.P.E.P. § 2131.

Yamada discloses an air bag 17 that includes an upper expansion part 27 that is folded into a lower expansion part 28. See abstract and Figure 8 of Yamada. Radial folds P are then provided so that the air bag 17 is folded inward. See abstract and Figures 8 and 9 of Yamada. However, Yamada does not disclose a passenger protection system or method, “wherein the part of the envelope portion that is inserted into the narrow portion of the filling channel is folded into an envelope pack, wherein the envelope pack is formed so that a long axis of the

envelope pack is arranged perpendicularly to a width of the gas bag, wherein the envelope pack is folded together in a middle of the long axis of the envelope pack to form a U-shaped pack that is inserted into the narrow portion of the filling channel,” as recited in claim 28.

Claims 51 and 55 include similar language.

The Office, noting Figure 8 and paragraph 0053 of Yamada, argues that Yamada discloses a gas bag with a part of an envelope portion that is inserted into a narrow portion of a filling channel of the gas bag, with the part of the envelope portion folded together in a middle to form a U-shaped pack that is inserted into the narrow portion of the filling channel. However, as shown in Figure 8, Yamada only discloses that a part 27 of the air bag 17 is inserted back into the air bag 17 and the air bag 17 is then folded at folds P using a fold angle  $\theta$  ( $\Theta$ ).

Yamada does not disclose that a part of the air bag 17 is folded to form an envelope pack, wherein the envelope pack is formed so that a long axis of the envelope pack is arranged perpendicularly to a width of the gas bag, wherein the envelope pack is folded together in a middle of the long axis of the envelope pack to form a U-shaped pack that is inserted into the narrow portion of the filling channel, as recited in claims 28, 51, and 55. The folds shown in Figures 8B-VI and 8B-VII do not show a gas bag or air bag that is folded into an envelope pack that is formed so that a long axis of the envelope pack is arranged perpendicularly to a width of the gas bag or air bag, and that the envelope pack is then folded together in a middle of the long axis of the envelope pack to form a U-shaped pack. Therefore, Yamada does not anticipate claims 28, 51, and 55 because Yamada fails to disclose all of the features of these claims.

### **Rejections under 35 U.S.C. § 103**

Claims 36 and 38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamada in view of U.S. Patent No. 5,586,782 to Zimmerman, II *et al.* (hereafter “Zimmerman”). This rejection is respectfully traversed. Zimmerman fails to remedy the deficiencies of Yamada discussed above in regard to independent claim 28, from which claims 36 and 38 depend. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 42, 44, and 48-50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamada in view of GB 2 318 767 to Garret *et al.* (hereafter “Garret”). This rejection is respectfully traversed. Garret fails to remedy the deficiencies of Yamada discussed above in regard to independent claim 28, from which claims 42, 44, and 48-50 depend. Reconsideration and withdrawal of this rejection is respectfully requested.

Claim 43 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamada and Garret as applied to claim 42, and further in view of WO 98/56622 to Pausch *et al.* (hereafter “Pausch”). This rejection is respectfully traversed. Pausch fails to remedy the deficiencies of Yamada and Garret discussed above in regard to independent claim 28, from which claim 43 depends. Reconsideration and withdrawal of this rejection is respectfully requested.

#### **New Claims**

New claims 56-59 have been added. Claim 56 depends from claim 28, claims 57 and 59 depend from claim 51, and claim 58 depends from claim 55. Applicant respectfully submits that claims 56-59 are allowable over the prior art for at least the reasons discussed above and for their respective additional recitations.

#### **Conclusion**

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date August 11, 2008

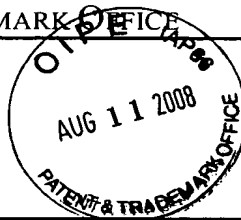
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10/537,709	02/06/2006	Hans-Peter Sendelbach	076326-0305	6859

22428 7590 07/29/2008  
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EXAMINER
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AMORES, KAREN J

ART UNIT	PAPER NUMBER
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3616

MAIL DATE	DELIVERY MODE
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07/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/537,709

Examiner

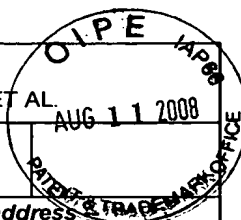
KAREN AMORES

Applicant(s)

SENDELBACH ET AL.

Art Unit

3616



--The MAILING DATE of this communication appears on the cover sheet with the correspondence address

THE REPLY FILED 10 July 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: Please see Interview Summary Attachment. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 28-55.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Kevin Hurley/  
Acting SPE of Art Unit 3616

/KAREN AMORES/  
Examiner  
Art Unit: 3616

# Interview Summary

Application No.

10/537,709

Applicant(s)

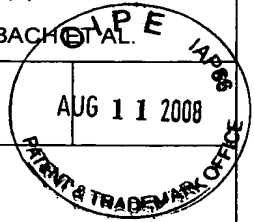
SENDELBACH ET AL.

Examiner

KAREN AMORES

Art Unit

3616



All participants (applicant, applicant's representative, PTO personnel):

(1) KAREN AMORES.

(3)\_\_\_\_\_.

(2) Attorney Kevin McHenry.

(4)\_\_\_\_\_.

Date of Interview: 22 July 2008.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 28,33 and 51.

Identification of prior art discussed: Yamada JP 2001 171468.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The interview discussed the claim language for distinguishing between the prior art reference and the application, particularly the part of the envelope portion that "is folded together in a middle of the part to form a U-shaped pack". Reference Yamada discloses a pleated fold shown in Fig. 8B-VI and a natural fold in Fig. 8B-VII. The office also suggests method claims to include language to define the sequence of steps.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action. Examiner's signature, if required